

1901-046
Lee Co.

Chancery Causes: M. L. Slump to os. C. C. Slump to

Flanary, Cox, Bailey, Brake, Irvin, Barron, Buckner

CA-Debt

T-Property

-Deed

To the Honorable H.A.W.Skeen, Judge of the circuit court
for ~~Lee~~ ^{Lee} County, Virginia:

Humbly complaining, your orators, M.L.Slemp, H.L.Slemp
and C.E.Flanary, ^{said} citizens of Lee County, ~~Virginia~~, respectfully
represent that on the 11th day of November, 1889, at Big
Stone Gap, Va., one C.C.Slemp and your orators made their note
in writing, commonly called a negotiable note, the date whereof
is the day and year aforesaid, whereby they promised and agreed
twelve months after the date thereof, to pay to the order of
Bank of Big Stone Gap the sum of three hundred dollars, waiving
homestead &c.; that the said C.C.Slemp was the principal in
the said note and your orators were only sureties therein for
the said C.C.Slemp; that, afterwards, to-wit, on the day and
year aforesaid, the said C.C.Slemp procured Henry C.Slemp and
Jas.P.Barron to endorse the said note; that afterwards the
said C.C.Slemp negotiated and sold the said note to the said
Bank of Big Stone Gap; that on the 3rd day of November, 1890,
the said H.L.Slemp made a payment of one hundred dollars on said
note, on the 11th day of November, 1890, he made a further pay-
ment of fifty dollars thereon, on the 12th day of November, 1890,
he made a further payment of fifty dollars thereon, and on the
13th day of November, 1890, he paid the balance in full due on
the said note to the said Bank, all of which fully appears from
the said note which is herewith filed as a part hereof, marked
"Exhibit No.I."; that the said note was delivered by the said
Bank to your orators at the time of the said last payment; that,
while the credits on the said note, show that the said payment
except the last were all made by the said H.L.Slemp, yet in fact

the money with which the said payments were made, was furnished by your orators equally; that the said C.C.Slemp shortly after the date of the negotiation of the said note left this State and went to the State of Washington, where he has since resided, and still resides.

Your orators are advised, therefore, that they are entitled to have and recover of and from the said C.C.Slemp the amounts paid by them as aforesaid, with interest thereon from the respective dates of payment, and that they are also entitled to require the said H.C.Slemp to reimburse them to the extent of one-fourth of the amounts so paid by them, since Jas.P.Barron, *and a non-resident of this State,* as the other endorser on said note is totally insolvent,

They allege

Your orators further represent that the said C.C.Slemp is a son of the said Henry C.Slemp; that the said Henry C.Slemp has recently departed this life, intestate, leaving surviving him, his widow, Malissa Slemp, and the following children, to wit, the said C.C.Slemp, your orator M.L.Slemp, your orator H.L. Slemp, Alice Flanary, nee Slemp, the wife of your orator C.E. Flanary, Ulysses Slemp, Lizzie Cox, nee Slemp, wife of Robert Cox, Luna Bailey, nee Slemp, wife of John R. Bailey, Vesta Slemp, Amny Slemp and Wise, Slemp, the three last named being infants under the age of twenty-one years, and the following grandchildren, to wit, Eva Brahe and Cicero Brahe, infant children of Alpha Brahe, nee Slemp, who was a daughter of the said H.C. Slemp, and who died before her father, his heirs at law to whom his estate descended; *and possessed* that the said Henry C.Slemp died seized *of* of a considerable personal estate and the following real estate, to wit:

First.--A tract of land situated in Wise County, Virginia, on the main road leading from Big Stone Gap to Wise, containing 84.31 acres, and being the same tract of land which was conveyed to the said Henry C.Slemp by S.B.Buckner and wife, by deed dated the 26th day of October, 1900, and recorded in Wise County Deed Book No.52, page 477, and for a particular description thereof reference is hereby made to the said deed, a copy of which is filed herewith as a part hereof, marked "Exhibit No.2.";

Second.--A certain tract or parcel of land lying and being in the County of Lee, State of Virginia, in Turkey Cove, containing some sixty or sixty five acres, and which is made up of several smaller parcels, a part of which was conveyed to the said Henry C.Slemp by Robert W.Orr and wife by deed dated the _____ day of June 1893, and recorded in Lee County Deed Book No.29, page 324, a copy of which is herewith filed as a part hereof marked "Exhibit No.3.", and the residue of which was conveyed to the said Henry C.Slemp by ~~Wm~~N.G.Slemp and wife, by deed dated the 2nd day of March, 1893, and recorded in Lee county Deed Book No.29, page 276, a copy of which is herewith filed as a part hereof marked "Exhibit No.4.", but the said Henry C.Slemp, in his lifetime, sold and conveyed a considerable portion of the land described in said last mentioned deed to H.A.W.Skeen, J.B.Skeen and Joseph Shuler, and for a particular description of the lands so sold reference is here made to the deeds of conveyance made by the said Henry C.Slemp and his wife to the said H.A.W.Skeen, J.B.Skeen, and Joseph Shuler, respectively, copies of which are herewith filed as parts hereof, marked "Exhibit No.5.", "Exhibit No.6." and "Exhibit No.7.",

respectively; and

Third.--A certain tract or parcel of land located in the said County of Wise, State of Virginia, in the same neighborhood with the land first above described, containing _____ acres, and being the same tract of land which was conveyed to the said Henry C. Slemp, by _____, by deed dated the _____, and recorded in Wise County Deed Book No. _____, page _____, to which reference is here made for a more particular description of the said land, and a copy thereof is herewith filed as a part hereof, marked "Exhibit No. 8."

In the deed aforesaid from said S. B. Buckner and wife to the said Henry C. Slemp it will be noticed that a lien was retained to secure the payment of the balance of purchase money. It will also be noticed that the said Buchners thereby convey for the consideration named, two tracts of land, one to the said Henry C. Slemp and one to Ulysses S. Slemp, but the said deed does not recite how much of the said consideration is ^{or was} to be paid by the said Henry C. Slemp, or how much is ^{or was} to be paid by the said Ulysses S. Slemp. At any rate your orators allege that the said Henry C. Slemp has very nearly, if not altogether, paid the purchase price agreed to be paid by him for the tract conveyed to him in the said deed. *The said S. B. Buckner and Delia C., his wife are not residents of Va.*

It will also be noticed that a vendor's lien ^{was} has been retained in the deed aforesaid from the said _____ to the said Henry C. Slemp. Your orators allege that this lien has also been paid.

The personal estate of the said Henry C. Slemp has been com-

mitted by the County Court of Wise County, to R.T.Irvine for administration, and the said Irvine has taken charge of said personal estate.

Your orators are advised that the said C.C.Slemp is entitled to one-eleventh of two-thirds of the personal estate of the said Henry C.Slemp, deceased, after the payment of his just debts; and that he is entitled to and is the owner of an undivided one-eleventh part of of the real estate aforesaid, of which the said Henry C.Slemp died seized and possessed, *subject to widow's dower therein*

Now the object of this bill is; ⁽¹⁾ to attach the real and personal estate of the said C.C.Slemp hereinbefore described and to subject the same the payment of the debt aforesaid due by him to your orators; *As aforesaid* and, (2) if the said estate should prove insufficient to pay the same to require the estate of the said Henry C.Slemp to pay to your orators one fourth of *The residue of* the said debt.

To the end that said object may be attained, your orators pray that the said C.C.Slemp, Malissa Slemp, Ulysses Slemp, Lizzie Cox, Leony Bailey, Alice Flanary, Vesta Slemp, Amny Slemp, Wise Slemp, Eva Brahe, Cicero Brahe, R.T.Irvine, administrator of the estate of the said Henry C.Slemp, deceased, Jas.P.Barron, S.B.Buckner, Delia C.Buckner, _____ be made parties defendant to this bill; that they each be required to answer its several allegations but not under oath as that is expressly waived; that said Buckners especially answer what amount, if anything, is yet due them as balance of purchase money for said 84.31 acre tract of land; that the said Ulysses Slemp especially answer how much of the purchase price mentioned in said Buckner deed was to be paid by himself and his father, respectively; that said _____

especially answer how much, if anything, is still due on the purchase price agreed to be paid for the said _____ acre tract of land aforesaid; that order of publication be made against the said C.C.Slemp, S.B.Buckner, Jas.P.Barron and Delia C.Buckner, who are non-residents of the State of Virginia; that a Guardian ad litem be appointed to defend this suit for the said infant defendats; that the estate aforesaid of the said C.C.Slemp in this State be attached and sold to pay your orators' said claim; that, in case the said estate of the said C.C.Slemp should prove insufficient to pay the same, then that the estate of the said Henry C.Slemp be required to pay one-fourth of the residue thereof to your orators; and, if mistaken in their special prayer, that full general relief be granted them, May spa. issue &c., directed &c., and your orators will ever pray &c.

L.T. Hyatt, p.q.

BANK OF BIG STONE GAP.

No. 167.

\$300 $\frac{00}{100}$

Big Stone Gap, Va. Nov. 11th 1889,
Twelve months after date we promise to pay

to the order of Bank of Big Stone Gap.
Three Hundred & no/100 Dollars.

Negotiable and payable at the BANK OF BIG STONE GAP, VIRGINIA.

Value received with interest at.....per cent. per annum after maturity.

We, maker and endorsers of this note, hereby waive our Homestead
Exemptions as to this debt.

One

No. 167.

The Bradley & Gilbert Co., Print., Louisville, Ky.

H. L. Stump
H. L. Stump
C. E. Stump

Henry G. Slump

Mrs. P. Barron.

Big Stone Gap, Nov. 3/90.

Credit this date with (\$100.00)
One hundred Dollars paid
by H. G. Slump. *H. G. Slump*
Carr.

Big Stone Gap, Nov 11/90

Credit with note (\$50.00)

Fifty & 00/100

by H. G. Slump

H. G. Slump Cas.

Nov 17/90.

Credit with note (\$50.00)

Fifty & 00/100

by H. G. Slump

H. G. Slump Cas.

M. L. Sleep et al.

55' { In Chancery

C. L. Sleep et al.

Bill.

L. T. Hyatt, p. q.

1901 2nd Feb'y rules Bill
filed Spa & ended as to

Laura Bailey & as to
her, not executed as to
other ^{home} debts & C.P. as to non-
residents & alias Spa
awarded & Cont'd

" 1st March rules held the
last Monday in Feb'y
D. N. Confront & could ~~not~~

LEE CIRCUIT COURT.

M. L. Slemp, et al,

Plaintiffs,

v. A N S W E R ,

C. C. Slemp, et al,

Defendants.

The separate Answer of R. T. Irvine, Administrator of the estate of H. C. Slemp, deceased, to a Bill filed against him and others in the Circuit Court of Wise County, under the above styled caption, reserving to himself all just exceptions to said bill, Respondent answering says,

That he supposes it is true that the Defendant, C. C. Slemp, executed the note in question to the Plaintiffs, and the payments on the same were made as alleged in the Bill; it is also true as he supposes that his decedent, H. C. Slemp, endorsed the note as set forth in the bill. He also supposes it is true that J. P. Barron is insolvent, and is not a resident of Virginia. The heirs of H. C. Slemp are correctly set forth. And it is true that Respondent is the Administrator of the estate of the said H. C. Slemp.

It is true that the said H. C. Slemp died seized of the tract of land first mentioned in the bill, set out as "Exhibit 2". It is not true, however that the said Slemp owned any land in Lee County at the time of his death. Prior to his death he had conveyed all of said land to his wife, Malissa E. Slemp, as is shown by a certified copy from the Lee County records, filed herewith as "Exhibit A".

Respondent further says that the said H. C. Slemp was

the owner of two other small tracts in Wise County, parts of a large tract known as the "Hale Land", adjoining the Buckner Land, set out in "Exhibit 2" with the Plaintiff's Bill. Said two tracts of land were purchased by the said Slemph at judicial sales, one of which was conveyed to him by E. M. Fulton, Commissioner, being an undivided interest in said Hale Land, and afterwards the said land was partitioned, and the said Slemph's part was set aside to him. Said Slemph shortly before his death, purchased the interest in said Hale land which was partitioned in the said suit to the heirs of J. B. F. Mills, and a deed was made for the benefit of the said Slemph to his widow and heirs at law, conveying said tract of land. Your Respondent does not deem it necessary to file copies of the deeds to these tracts of land. These Plaintiffs did not in their proceedings in this cause attach the said two tracts of Hale Land; but on the 7th day of February, 1901, a few days after the Plaintiffs' attachment in this cause was sued out, your Respondent, as administrator of said H. C. Slemph, filed a foreign attachment suit in the Circuit Court of Wise County, against the said C. C. Slemph, attaching all his interest in the aforesaid Buckner Tract, and in the two tracts of Hale Land, being the entire interest of the said C. C. Slemph in the real estate of which his father died seized. This Respondent is advised that in any event he has priority over the Plaintiffs in this suit on the said two tracts of

Hale Land; and he is advised that he has priority also over these Plaintiffs as to the Buckner Land, as will hereinafter appear.

It is true that the Defendant, C. C. Slemp, will probably have a small sum due him as his distributive share of the personalty of which his father died possessed. But Respondent will now show that the said C. C. Slemp was indebted to the said H. C. Slemp in the sum of One Hundred Dollars, with interest from the ____ day of _____, 1888, which note came into the hands of this Respondent to be collected as the Administrator of said Slemp, and he is advised that whatever portion of the personal estate of H. C. Slemp, deceased, that may be due and payable to the said C. C. Slemp must be retained by this Respondent as such administrator, and apply it to the satisfaction of the aforesaid debt. As is before stated this Respondent to further secure the payment of said note of One Hundred Dollars, filed his attachment suit against the real estate of the said Slemp, and has obtained from the Circuit Court of Wise County a decree for the sale of same.

Respondent will now show that it has been more than five years since H. C. Slemp endorsed the note here sued on; and Respondent is advised that any right to enforce collection thereof against the estate of the said H. C. Slemp is barred

by the statute of limitations; and Respondent here pleads and relies upon the said statute as a defense in this suit.

Respondent is further advised that the heirs at law of H. C. Slemp are not necessary or proper parties to this suit, and if such be true there is no jurisdiction for bringing this suit in Lee County; and Respondent prays that the same be dismissed by this Court, as being without jurisdiction.

Respondent is further advised that in any event this suit will have to be dismissed as to any claim of any recovery of any kind against the estate of H. C. Slemp; and if so, any jurisdiction that this Court may now have will fall to the ground and that as there is no real estate or other property in Lee County, upon which to base jurisdiction, therefore, the jurisdiction of this Court will cease, and this cause must be dismissed, as Respondent alleges it to be a fact that none of the defendants in this cause reside in Lee County, except Luny Bailey, Alice Flanary, and J. P. Brahe, and his infant children, all of whom are heirs at law of H. C. Slemp, and are made parties herein solely for this reason.

Wherefore, Respondent prays that this bill be dismissed for the reasons hereinbefore assigned, and that he be given his proper costs in this behalf expended.

R. T. Laine
R.D.

The above answer is excepted to as con-
stituting no defense. L. P. Hyatt for plffs.

M. L. Sleep et al

vs { Ans of R. T.
 { from adin

C. C. Sleep et al

Filed by leave of
court June 8 1901

M. L. Slemp, et al,

Plaintiff,

v.

A N S W E R ,

C. C. Slemp, et al,

Defendants.

The separate Answer of Malissa E. Slemp, to a bill in CHancery, exhibited against her and others in the Circuit Court of Lee County in the above styled ~~cause~~.

Reserving all just exceptions to herself, Respondent answering says,

That she has read the Answer of her co-defendant herein, R. T. Irvine, Administrator of the estate of H. C. Slemp, deceased, and she believes and charges the statements thereof to be true, and she adopts same as her own Answer, as fully as if spread at length herein.

She says that the tract of land in Lee County set forth as "Exhibit A" of said Answer is her own property, conveyed to her by the said H. C. Slemp before his death; and that the Defendant, C. C. Clark, has not, and has never had, any interest therein, and she prays that this suit may be dismissed as without jurisdiction for the reasons set forth in the Answer of her co-defendant as aforesaid; and she be given her proper costs in this behalf expended.

R. T. Irvine
R. T.

proper costs in this behalf expended.

of her co-defendant as aforesaid; and she be given her
as without jurisdiction for the reasons set forth in the Answer
ent therein, and she prays that this suit may be dismissed
Defendant, G. C. Clerk, has not, and has never had, any inter-
her by the said H. C. Slemp before his death; and that the
as "Exhibit A" of said Answer is her own property, conveyed to
she says that the tract of land in Lee County set forth
as it spread at length herein.

to be true, and she adopts same as her own Answer, as fully
deceased, and she believes and charges the statements thereof
R. T. Irvine, Administrator of the estate of H. C. Slemp,

That she has read the Answer of her co-defendant herein,

answering says, *Reserving all just exceptions to herself,* Respondent
Court of Lee County in the above styled cause.

CHANCERY, exhibited against her and others in the Circuit
The separate Answer of Malissa E. Slemp, to a bill in

Defendants.

M. L. Slemp et al

ans of Malissa E. Slemp

C. C. Slemp et al

Filed in open court
by leave June 8-1901

ANSWER,

M. L. Slemp, et al,

Plaintiffs,

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
for Lee County, Virginia:

The joint and separate answer of Eva ~~xxxxE~~ Brahe, Cicero Brahe, Wise Slemp and Anna Slemp, by George P.Cridlin, their guardian ad litem assigned to defend them in this suit to a bill in equity exhibited against them and others in said court by M.L.Slemp et als.

Respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as deemed material, answering sayd that they are infants of tender years and by reason of their infancy are incapable of understanding or of taking care of their rights and interests, and they therefore, by their said guardian, commend themselves and their rights and interests to the protection of the court and pray that no decree may be pronounced which will tend to their prejudice.

And now having fully answered, respondents pray to be hence dismissed with their costs &c.

Geo P Cridlin, guardian ad litem for the above named infants.

Sworn to before me by Geo P.Cridlin June 8th, 1901.

A B Munsey, clerk.

clerk.

Sworn to before me by Geo T. Grubbs June 8th, 1901.

sem for the above named infants.

Subscribed and sworn to before me at the County of Lee, State of Virginia, this 8th day of June, 1901.

hence dismissed with their costs &c.

And now having to say answered, respondents pray to be
pro nounced which will tend to their prejudice.

the pro faction of the court and pray that no decree may be
concerning themselves and their rights and interests to

and interests, and they therefore, by their said Guardian,

capable of understanding and taking care of their rights

infants, and for the reason of their infancy are in-

much, the court as General Master, answering sayd that they are

just exceptions to the rule, for answer thereto, or to so

Respondents, preserving to themselves the benefit of all

M. P. Slump et al.

or G. A. P.

Guardian ad litem assigned to defend them in this suit to a bill

Brabe, Wise Slump and Anna Slump, by George P. Grubbs, their

The Joint and separate answer of Eas Knapp Brabe, Cicero

for Lee County, Virginia:

To the Honorable H. A. W. Speen, Judge of the Circuit Court

M. P. Slump et al.

or G. A. P.

C. C. Slump et al.

Filed in open court by
leave June 8-1901

A. B. Munsey clerk

M.L. Slemp et als.

Plaintiffs.

vs. (Decree in Chancery.)

C.C.Slemp et als.

Defendants.

This cause came on this day to be heard upon the bill of complaint and exhibits filed therewith, the answer of R.T. Irvine, Admr. and exception endorsed thereon, and the answer of Malissa E.Slemp, and the answer of the infant defendants by George P.Cridlin, guardian ad litem, who is hereby appointed as such and given leave to file his answer, and upon the bill taken for confessed as to all other defendants, and was argued by counsel. Upon consideration of which, it is adjudged ordered and decreed that the exception to the said answer of R.T.Irvine, Admr., is overruled; and that the plaintiff's bill be dismissed, at their costs, but by agreement of parties no attorneys fee is to be taxed.

to be taxed.

at their costs, but by agreement of parties no attorney's fee is

Admr. is overruled; that the plaintiff's bill be dismissed,

and ordered that the defendant's bill be dismissed,

by counsel. Upon the defendant's bill, it is adjudged ordered

for costs, and upon the bill

for costs, and upon the bill

for costs, and upon the bill

for costs, and upon the bill

for costs, and upon the bill

for costs, and upon the bill

This cause came on this day to be heard upon the bill

G.O. Slomp et als.

Defendants.

vs. (Decree in Chancery.)

M.J. Slomp et als.

Plaintiffs.

M.D. Slomp et al

vs. Facial Deere

C.C. Slomp et al

Entered on C.D.B. No 6
P. 5 96.

Enter this
H and so
June 8-1901

VIRGINIA: Circuit Court for Lee County.

M.L.Slemp, H.L.Slemp and C.E.Flanary, Plaintiffs.

vs. (In Chancery.) Affidavit.

C.C.Slemp, Malissa Slemp, widow of Henry C.Slemp, deceased, Ulysses Slemp, Lizzie Cox, Loony Bailey, Alice Flanary, Vesta Slemp, Amny Slemp, Wise Slemp, Eva Brahe, Cicero Brahe, R.T.Irvine, administrator of the estate of Henry C.Slemp, deceased, Jas.P.Barron, S.B.Buckner, Delia C.Buckner and _____, Defendants

Virginia, Lee county, to wit:

I, A.B.Munsey, clerk of the circuit court for the county, aforesaid, in the State of Virginia, do certify that L.T.Hyatt, attorney for the plaintiffs in the above styled cause, has this day made oath before me in my County aforesaid, that C.C.Slemp is justly indebted to ~~them~~ ^{the said plaintiffs} in the sum of three hundred dollars, with legal interest on one hundred dollars, part thereof, from the third day of November, 1890, and on fifty dollars, part thereof, from the 11th day of November, 1890, and on fifty dollars, another part thereof from the 12th day of November, 1890, and on one hundred dollars, the residue thereof, from the 13th day of November, 1890, until paid; that the said claim is believed to be just; that the said plaintiffs are entitled to and ought to recover from the said C.C.Slemp at the least the said sum of three hundred dollars, with interest thereon as aforesaid; that the said C.C.Slemp, Jas.P.Barron, S.B.Buckner and Delia.C. Buckner are not resident's of the State of Virginia; and that the said C.C.Slemp has estate within the County of Lee and Wise, in said State of Virginia, and is sued with other defendants residing within said County of Lee.

Given under my hand this 1st day of February, 1901.

A.B. Munsey Clerk

and in said State of Virginia, and is sued with other defendants re-

the said G.C. Slomp has estate within the County of Lee and Wise,
Buckner are not residents of the State of Virginia; and that
that the said G.C. Slomp, Jas. P. Perron, E.H. Buckner and Delia C.
sum of three hundred dollars, with interest thereon as aforesaid;
ought to recover from the said G.C. Slomp at the least the said
lived to be just; that the said plaintiffs are entitled to and
day of November, 1890, until paid; that the said claim is be-
and on one hundred dollars, the residue thereof, from the 13th
Jara, another part thereof from the 12th day of November, 1890,
thereof, from the 11th day of November, 1890, and on fifty dol-
the third day of November, 1890, and on fifty dollars, part
with legal interest on one hundred dollars, part thereof, from
is justly entitled to them in the sum of three hundred dollars,
day made oath before me in my County aforesaid, that G.C. Slomp
for the plaintiffs in the above styled cause, has this
in the State of Virginia, do certify that H.T. Wyatt
Jury, clerk of the circuit court for the county
the county, to wit:

M. L. Slomp et al.
affi for attachment
to to Slomp et al
Filed Feby 1st 1901

G.C. Slomp, Malissa Slomp, widow of Henry C. Slomp, deceased,
as, (In Chancery.) Affidavit.
Defendants
G.C. Slomp, deceased, Jas. P. Perron, E.H. Buckner,
H.T. Wyatt, administrator of the estate
of the said G.C. Slomp, Anna Slomp, Wise Slomp, Eva Bynae,
Ulysses Slomp, Minnie Cox, Joony Bailey, Alice Byn-

M.L. Slomp, H.L. Slomp and G.H. Perry, Plaintiffs.

VIRGINIA: Circuit Court for Lee County.

THIS DEED made this the 26th. day of October, 1900, by and between S. B. Buckner and Delia C. Buckner, his wife, of Hart County, Kentucky, parties of the first part; and U. S. Slemp of Wise County, Virginia, party of the second part, and H. C. Slemp of Wise County, Virginia, party of the third part.

W I T N E S S E T H:

That for and in CONSIDERATION of the sum of Two Thousand One Hundred and Ninety Three Dollars and ninety cents (\$2193.90) paid and to be paid by the said parties of the second and third parts to the said parties of the first part as follows, to-wit: Seven Hundred and thirty One Dollars and thirty cents (\$731.30) cash in hand paid the receipt of which is hereby acknowledged, and the remainder thereof to be paid in two equal installments in one and two years from this date with interest from date until paid, the said deferred payments being evidenced by two promissory notes of even date herewith signed by the said parties of the second and third parts, for the due payment of which a lien is hereby retained on the property hereby granted, the said parties of the first part do hereby grant, bargain, sell and convey unto the said party of the second part all that certain tract or parcel of land lying in Wise County, Virginia, on the main County road leading from Big Stone Gap to Wise Court House, and bounded and described as follows to-wit:

BEGINNING at a stake in the said road at the mouth of another road or lane, which runs from the said main road Southwardly across Butcher's Ridge; thence South thirty one degrees and thirty minutes east four hundred and seventy one feet to a stake; thence north sixty five degrees east five hundred and thirty three feet to a beech; thence south thirty two degrees thirty minutes east eight hundred feet to a stake and pointer on a line known as the Preston line; thence with Preston line north fifty degrees and fifty minutes east three thousand six hundred and one feet to a stake and pointers on top of the ridge; thence with the said

ridge (it being understood, however that the following courses and distances are to control rather than the top of the said ridge) north seventy eight degrees forty five minutes west three hundred and eighty one feet to a black-gum; thence south forty six degrees thirty minutes west one hundred and fifty nine feet to a spotted-oak; thence south sixty degrees west three hundred and three feet to a double chestnut; thence south seventy one degrees twenty two minutes west three hundred feet to a beech; thence south sixty nine degrees thirty minutes west one hundred and eighty seven feet to a locust; thence south seventy one degrees twenty minutes west two hundred and fifty eight feet to a small spotted-oak; thence south seventy three degrees west two hundred and seven feet to a locust; thence south seventy five degrees west ninety feet to a locust; thence south fifty two degrees west one hundred and two feet to a beech; thence south sixty degrees west one hundred and twenty six feet to a sourwood; thence leaving the top of said ridge and crossing Butchers Fork south seventy six degrees fifteen minutes west five hundred and three feet to a stake on the north or west bank of Butcher's Fork, a corner of the School House lot; thence with lines of said school house lot south eleven degrees thirty minutes west two hundred and seventy three feet to a stake; thence north sixty two degrees west two hundred and seventy five feet to a stake in said County road; thence leaving the said School House lot and with said County road south fifty eight degrees thirty minutes west one hundred and fifty one feet; south sixty seven degrees west seven hundred and fifty six feet; south seventy five degrees west two hundred feet; and south sixty four degrees thirty minutes west two hundred and thirty seven feet to the beginning, CONTAINING Sixty One and Ninety Five One Hundredths (61.95) Acres, and being a part of the land conveyed to S. B. Buckner by J. L. Kelly, Special Commissioner, by deed dated April 12th. 1899, recorded in the Clerk's Office of Wise County in Deed Book 50, page 379.

And the said parties of the first part also, for the Consideration herein above named do hereby grant, bargain, sell and convey unto the said party of the third part another certain tract or parcel of land, lying in Wise County, Virginia, on the aforesaid public road and adjoining the tract herein above conveyed to the said party of the second part, and bounded and described as follows, to-wit:

BEGINNING at the said stake in the public road the beginning^{corner} of the said first described tract thence with lines thereof, south thirty one degrees thirty minutes east four hundred and seventy one feet to a stake; thence north sixty five degrees east five hundred and thirty three feet to a beech; thence south thirty two degrees thirty minutes east eight hundred feet to a stake and pointers on what is known as the Preston line; thence leaving first described tract and with the said Preston line south fifty degrees fifty minutes west twenty three hundred and thirty feet to a stake and pointers; thence leaving said Preston line north eleven degrees thirty seven minutes east four hundred and fifty feet to a double sourwood and dogwood; thence north seventeen degrees and thirty minutes west seven hundred and twenty four feet to a stake; thence south seventy one degrees forty five minutes west four hundred and twenty four feet to a stake; thence north thirty degrees thirty minutes west, crossing Butcher's Fork, five hundred and eighty seven feet to a stake; thence south fifty nine degrees thirty minutes west one hundred and seventy three feet to a stake; thence north twenty seven degrees thirty minutes west seven hundred and sixty eight feet to a stake in said public road; thence with said road north eighty two degrees east two hundred and twenty four feet; north seventy five degrees thirty minutes east seven hundred and fifty eight feet; north eighty degrees east three hundred and fifty nine feet; east three hundred and eleven feet; south eighty one degrees east three hundred and sixty two feet to the beginning, CONTAINING Eighty

Four and Thirty One Hundredths (84.31) Acres more or less, being also a part of the said land conveyed to the said S. B. Buckner by the said J. L. Kelly, Commissioner as aforesaid.

TO HAVE AND TO HOLD the said tracts or parcels of land, together with the appurtenances thereunto respectively belonging, unto the said parties of the second and third parts, respectively, in fee simple forever.

It is understood and agreed that the said parties of the second and third parts shall have the right of paying the said deferred payments or any part thereof, at any time they may desire so to do before the same become due, in which case interest shall be counted on the part so paid only up to the date of the payment; and it is further understood and agreed that the said parties of the first part do hereby assign to the said parties of the second and third parts, respectively, all rights which the said S. B. Buckner has against one M. C. McCorkle under a certain lease heretofore made by said Buckner to said McCorkle of said lands, in so far as the said rights appertain to the said lands hereby conveyed.

And the said parties of the first part hereby covenant with the said parties of the second and third parts, respectively, that they will warrant generally the title to the lands hereby conveyed to them respectively.

S. B. Buckner (SEAL)

Delia C. Buckner (SEAL)

State of Kentucky,

County of Hart:

I, Wm. S. Parker, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that, S. B. Buckner and Delia C. Buckner, his wife, whose names are signed to the foregoing deed dated on the 26th. day of October, ¹⁹⁰⁰ have acknowledged the same before me in my County aforesaid.

Given under my hand, this 30 day of October, 1900.

(Seal)

Wm. F. Parker, Jr., Notary Public,
Jefferson Co., Ky. My commis-
ion expires March 1st., 1902.

VIRGINIA: COUNTY of WISE, to-wit:-

In the Clerk's Office of the County and State
aforesaid, the 20th. day of November, 1900, the foregoing writing,
being properly stamped, was presented, admitted to record, and to-
gether with the certificate of acknowledgement recorded the 24th.
day of November, 1900, in Deed Book No. 52, page 477 &c.

Teste:

W. E. Kilgore, Clerk.

By J. D. Dorton, D. C.

A copy Teste:

W. E. Kilgore, Clerk

By J. D. Dorton, D.C.

Fee for copy \$1.35

M. H. Bond,
ATTORNEY AT LAW,
WISE, VIRGINIA.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 1st day of February 1901.
M. L. Slemp, H. L. Slemp and C. E. Flanary Plaintiffs
against, C. C. Slemp, Malissa C. Slemp widow of Henry C. Slemp
deceased, Ulysses S. Slemp, Lizzie Cox, Looney Bailey, Alice
Flanary, Vesta Slemp, Ammy Slemp, Wise Slemp, Eva Brahe In Chancery
Leicars Brahe, R. T. Groine, Administrators of the estate of
Henry C. Slemp deceased, Jas. P. Barron, S. B. Buckner, Delia C. Buckner and
Defendant. S }

The object of this suit is to attach the real and personal estate of the
defendant C. C. Slemp in the bill mentioned, and subject the
same, to the payment of the plaintiffs debt against him for the
sum of three hundred dollars, with interest on one hundred
dollars, part thereof, from the 3rd day of November 1890, on
fifty dollars, another part thereof, from the 11th day of November
1890, on fifty dollars, another part thereof, from the 12th day
of November 1890, and on one hundred dollars, the resi-
due thereof, from the 13th day of November 1890.

And 2nd if the said estate of the said C. C. Slemp, should
prove insufficient to pay the same, then to require the
estate of the said Henry C. Slemp deceased, to pay one
fourth of the residue thereof, to the said plaintiffs

And an affidavit having been made and filed that the defendants James P. Barron,
C. C. Slemp, S. B. Buckner & Delia C. Buckner
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Pennington
Gap News, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

L. T. Hyatt

p. q.

A. B. Mursey

Clerk.

for printer

FORM No. 301.

M. L. Slemp et als

vs. {

ORDER OF
PUBLICATION.

to do, Slemp et als

Virginia Lee County Court:
I A. B. Munsey Clerk of the
Circuit Court for Lee County
do hereby certify that I posted
a copy of the within order
of Publication at the front
door of the Court house
of Lee County on the 1st
day of the July term
of the County Court of Lee
County, this the 20th day
of May 1901

A. B. Murray Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 1st day of February 1901.

M. L. Slemp, H. L. Slemp and L. E. Flanary,

Plaintiff &

In Chancery

against
L. L. Slemp, Malissa E. Slemp, widow of Henry L. Slemp deceased
Alfred S. Slemp, Lizzie Cox, Looney Bailey, Alice Flanary, Vesta Slemp
Assessors Slemp, Will Slemp, Eva Brahe, Leiers Brahe, R. B. Brown
Administrators of the estate of the said Henry L. Slemp deceased
James P. Barron, S. B. Buckner, Delia L. Buckner
Defendant &

The object of this suit is to attach the real and personal estate of the
defendant, L. L. Slemp, in the bill mentioned and subject the
same the same to the payment of the plaintiff's debt against
him for the sum of three hundred dollars, with interest
on one hundred dollars, part thereof, from the 3rd day of
November 1890, on fifty dollars, another part thereof, from
the 11th day of November, 1890, on fifty dollars, another part
thereof from the 12th day of November, 1890, and on one hun-
dred dollars, the residue thereof, from the 13th day of November,
1890, and 2nd if the said estate of the said L. L. Slemp
should prove insufficient to pay the same, then to require
the estate of the said Henry L. Slemp deceased, to pay one-
fourth of the residue thereof to the said plaintiffs

And an affidavit having been made and filed that the defendants James P. Barron, L. L.
Slemp, S. B. Buckner and Delia L. Buckner
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Pennington
Gap News, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

L. L. Hyatt

p. q.

A. B. Munsey

Clerk.

To post

FORM NO. 301.

M. L. Slomp et als

vs. {

ORDER OF
PUBLICATION.

do. do. Slomp et als

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon W. L. Slump, Malissa E. Slump
widow of Henry L. Slump deceased, Ulyses S. Slump,
Lizzie Cox, Alice Flanary, Loony Bailey, Vesta
Slump, Ammy Slump, Wise Slump, Eva Brahe
Leicars Brahe, James P. Burrow, R. T. Irvine
Admr. of the estate of Henry L. Slump, deceased,
S. B. Buckner, Delia L. Buckner, and —

to appear at the Clerk's office of the Circuit Court of the County of Lee
at the rules to be held for the said Court, on the 3rd Monday in February 1901,
to answer a bill in chancery, exhibited against them in our said Court ~~for~~ by
M. L. Slump, H. L. Slump and L. E. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said
Court, at the court-house, the 1st day of February 1901, and in the
12th year of the Commonwealth.

A. B. Munsey Clerk.

Levied of the following real estate of the defendant, C.C.Slemp, to wit: The undivided interest of the said C.C.Slemp in the real estate of which his father, Henry C.Slemp died seized and possessed, located in the Counties of Lee and Wise, in the State of Virginia, to wit: (1) A certain tract of land located in Wise County, Virginia, containing 84.31 acres which is fully described in a deed from S.B.Buckner and wife to said Henry C. Slemp and another, dated Oct.26th, 1900, and recorded in Wise County Deed Book No.52, page 477, to which reference is made; (2) A certain tract or parcel of land located in Lee County, Virginia, in the Turkey Cove, containing some sixty or sixty-five acres, a part of which was conveyed to the said Henry C.Slemp by Robert W.Orr and wife by deed dated the 7th day of June, 1893, and recorded in Lee County Deed Book No.29 page 324, to which reference is made for a more particular description, and the residue of which was conveyed to the said Henry C.Slemp by Wm.N.G. Slemp and wife by deed dated the 2nd day of March, 1893, and recorded in Lee County Deed Book No.29, page 276, to which reference is made for a particular description thereof, but this levy does not extend to that part of the land described in said last mentioned deed which the said Henry C.Slemp, in his lifetime, sold and conveyed to J.B.Skeen, H.A.W.Skeen and Joseph Shuler by deeds recorded in Lee County Deed Book No.34, pages 380 and 381, and in Deed Book No.36 pages 4 and 143, to which books reference is here made for a description of the land so sold off the W.N.G.Slemp tract by the said H.C.Slemp in his lifetime, this the 1st day of February, 1901.

W. J. Mileham, Sheriff of Lee County, Virginia.

Shiff of Lee Co

Feb 14 1901

M. L. Slemp et al

SUBPOENA
IN
CHANCERY.

vs.

C. C. Slemp et al

L. J. Hyatt

p. q.

To 2nd February Rules,
Circuit Court.

Executed by delivering
a copy of the within
Spa to Luma Bailey
on the 4th day of Feb.
1901 in Lee County -
D. P. Galy D.S.
for W. J. Mileham

The proper affidavit having been made and filed, the officer to whom this summons is directed, will attach the real and personal estate of C.C.Slemp located in the state of Virginia, viz: The interest of the said C.C.Slemp in the personal estate of which Henry C.Slemp died seized, in the hands of R.T.Irvine, administrator of the estate of the said Henry C.Slemp, deceased; and the undivided interest of the said C.C.Slemp in the real estate of which the said Henry C.Slemp died seized and possessed, located in the County of Lee and Wise, State of Virginia. Teste: W. J. Mileham, clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Wise, Greeting:
again

WE COMMAND YOU, that you summon L. L. Slemp, Malissa, E. Slemp
widow of Henry L. Slemp deceased, Ulyses S. Slemp
Lizzie Cox, Alice Flanary, Loony Bailey, Vesta Slemp,
Anny Slemp, Wise Slemp, Eva Brahe, Leicero Brahe
James P Barron, R. L. Irvine Admr of the estate
of Henry L Slemp deceased, S. B. Buckner, Delia
Buckner and _____

to appear at the Clerk's office of the Circuit Court of the County of Lee
at the rules to be held for the said Court, on the 3rd Monday in March 1891
to answer a bill in chancery, exhibited against them in our said Court for by
M. L. Slemp, H. L. Slemp and L. E. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said
Court, at the court-house, the 1st day of February 1891, and in the
12^{5th} year of the Commonwealth.

A. B. Munsey Clerk

The proper affidavit having been made and filed the officer to whom this
Summons is directed, will attach the real and personal estate of L. L. Slump
located in the State of Virginia viz: The interest of the said L. L. Slump in the
personal estate of which Henry L. Slump died seized in the hands of R. T.
Provine Administrator of the estate of the said Henry L. Slump deceased;
and the undivided interest of the said L. L. Slump in the real estate
of which Henry L. Slump died seized and possessed, located in the
County of Lee and Wise, State of Virginia

Teste: A. B. Mursey clerk

Form No. 300.

SUBPOENA
IN
CHANCERY.

}

vs.

p. q.

Rules,

Court.

To

The Commonwealth of Virginia,

To the Sheriff of the County of Wise, Greeting:

WE ^{again} COMMAND YOU, that you summon C. C. Slomp, Malissa E. Slomp
widow of Henry C. Slomp, deceased, Ulyses S. Slomp,
Lizzie Cox, Alice Flanary, Loony Bailey,
Vesta Slomp, Amny Slomp, Wise Slomp, Eva
Brahe, Cicero Brahe, James P. Barron, R. T.
Irvine, Admin. of the estate of Henry C. Slomp,
deceased, J. B. Buckner, Lilia Buckner and

to appear at the Clerk's office of the Circuit Court of the County of Lee
at the rules to be held for the said Court, on the 3rd Monday in March 1890,
to answer a bill in chancery, exhibited against them in our said Court for by
M. L. Slomp, H. L. Slomp and C. E. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said
Court, at the court-house, the 1st day of February 1890, and in the
12th year of the Commonwealth.

A. B. Munsey Clerk

Exhibited by following a true copy of the
 within document to Mrs Mary Engle at
 her home in Wisconsin her Spouse Engle not found
 Mrs Mary Engle is the wife of Mr Henry Engle
 who is now living in the S. & A. State of
 and speaks of with within summer
 this. The 9 day of March 1901.
 C. P. Spaulds Jr
 for W. K. Allen sure

Shiff of Wisconsin

Form No. 300.

M. L. Slump et als

SUBPOENA
 IN
 CHANCERY.

C. C. Slump et als

L. T. Hyatt p. q.

To 2nd February 1901 Rules,
 Circuit Court.

Executed on Malissa E.
 Slump, U. S. Slump, Virta
 Slump & Anna Slump
 by delivering to each a copy
 of the within summons
 in Meire County on March
 9th 1901

C. P. Spaulds Jr
 for W. K. Allen sure

The proper affidavit having been made and filed the officer to whom this summons
 is directed will attach the real and personal estate of C. C. Slump located in the State
 of Wisconsin and the interest of the said C. C. Slump in the personal estate of
 which Henry L. Slump died bequeathed in the hands of R. T. Levine, Administrator
 of the estate of the said Henry L. Slump deceased; and the undivided interest
 of the said C. C. Slump in the real estate of which the said Henry L. Slump
 died bequeathed and possessed, located in the County of and State of
 Wisconsin
 Teste: A. D. Munnery Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon to to Slemp, Malissa & Slemp
widow of Henry to Slemp deceased, Ulyses S. Slemp,
Lizzie Cox Alice Flanary, Loony Bailey, Vesta
Slemp, Ammy Slemp, Wise Slemp, Eva Brake,
Cicero Brake, James P Barron, R.T. Irvine
Adms of the estate of Henry to Slemp, deceased
S. B. Buckner, Delia to Buckner and

to appear at the Clerk's office of the Circuit Court of the County of Lee
at the rules to be held for the said Court, on the 3rd Monday in February 1901,
to answer a bill in chancery, exhibited against them in our said Court ~~for~~ by
M. L. Slemp, H. L. Slemp and L. E. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said
Court, at the court-house, the 1st day of February 1901, and in the
12th year of the Commonwealth.

A. B. Munsey Clerk

The proper affidavit having been made and filed the officer to whom this summons is directed will attach the real and personal estate of L. L. Slump located in the State of Virginia, viz: The interest of the said L. L. Slump in the personal estate of which Henry L. Slump died seized, in the hands of R. F. Irvine Administrator of the estate of the said Henry L. Slump, deceased, and the undivided interest of the said L. L. Slump in the real estate of which Henry L. Slump died seized and possessed located in the County of Lee and Wise, State of Virginia,

Teste: A. B. Mursey Clerk

Form No. 300.

SUBPOENA
IN
CHANCERY.

vs.

p. q.

Rules,

Court.

To

Order of Publication.

In the Clerks office of the Circuit Court for the County of Lee, on the 1st day of February, 1901.

M. L. Slemph, H. L. Slemph and C. E. Flanary. vs. C. C. Slemph, Malissas E. Slemph, widow of Henry C. Slemph, deceased. Ulysses S. Slemph, Lizzie Cox, Looney Bailey, Alice Flanary, Vesta Slemph, Anna Slemph, Wise Slemph, Eva Brahe, Cicero Brahe, R. T. Irvin, administrator of the estate of the said Henry C. Slemph, deceased, Jas. P. Barron, S. B. Buckner, Delia C. Buckner and

The object of this suit is to attach the real and personal estate of the defendant, C. C. Slemph, in the bill mentioned and subject the same to the payment of the plaintiff's debt against him for the sum of three hundred dollars, with interest on one hundred dollars, part thereof, from the 3rd day of November, 1891, on fifty dollars, another part thereof, from the 11th day of November, 1890, on fifty dollars, another part thereof, from the 12th day of November and on one hundred dollars the residue thereof, from the 13th day November, 1890; and (2,) if the said estate of the said C. C. Slemph should prove insufficient to pay the same, then to require the estate of the said Henry C. Slemph, deceased to pay one-fourth of the residue thereof to the said plaintiffs. And an affidavit having been made and filed that the defendants Jas. P. Barron, C. C. Slemph, S. B. Buckner and Delia C. Buckner are not residents of the state of Va., it is ordered that they do appear here within fifteen days after due publication hereof and do what may be necessary to protect their interests in this suit; and it is further ordered that a copy hereof be published once a week for four weeks in the Pennington Gap News, and that a copy thereof be posted at the front door of the court house of this county on the first day of the next term of the County Court for said county.

A copy,—Teste: A. B. Muncy, Clerk.
L. T. Hunt, P. Q.

Pennington Gap, Va., 190

This is to certify that the notice
hereto attached in the case of
M. J. Hemp v. J. S. C. C. Hemp
v. J. S. C. C. Hemp, was published four
consecutive weeks in the
Pennington Gap News, beginning
March 15th and ending April 5th
1901.

W. H. Hopkins Editor
Pennington Gap, Va.